

ADJOURNMENT

On motion of Senator Brooks, the Senate at 1:10 p.m. adjourned until 11:00 a.m. Monday, March 6, 1989.

APPENDIX

Signed by Governor
(March 1, 1989)

S.B. 220 (Effective August 28, 1989)

S.B. 221 (Effective August 28, 1989)

H.C.R. 14

H.C.R. 21

H.C.R. 51

H.C.R. 70

S.C.R. 31

(March 2, 1989)

H.B. 1306 (Effective immediately)

TWENTY-SECOND DAY

(Monday, March 6, 1989)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejada, Truan, Uribe, Washington, Whitmire, Zaffirini.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Father, this morning we give thanks that we can pause for a moment of silence in a world full of noise and for a moment of peace in a world of unrest. We thank You.

Now to these who serve and search for answers to the needs of our State, give diligence and strength of will as this week's work begins. In His name we pray. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 2, 1989, was dispensed with and the Journal was approved.

BILL SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bill:

S.B. 223

REPORTS OF STANDING COMMITTEES

Senator Caperton submitted the following report for the Committee on Finance:

C.S.H.B. 631
C.S.S.B. 670

Senator Harris submitted the following report for the Committee on Economic Development:

H.B. 251
S.B. 785
S.B. 616 (Amended)
C.S.S.B. 436

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

H.B. 220, To Committee on Criminal Justice.
H.B. 264, To Committee on Health and Human Services.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.J.R. 32 by Brown Criminal Justice
Proposing a constitutional amendment relating to the rights of crime victims to be informed of, to be present at, and to be heard at certain criminal proceedings.

S.J.R. 33 by Washington State Affairs
Proposing a constitutional amendment relating to the redistricting of judicial districts in certain counties.

S.C.R. 54 by Carriker Health and Human Services
Directing the Primary Health Care Services Program to target dollars to fund primary health care services projects in counties whose hospitals have closed, are at risk of closure or that are without hospitals, providing that the 71st Legislature appropriates sufficient funds.

S.B. 786 by Brooks Jurisprudence
Relating to the liability of pilots providing pilot services to or from ports located in Galveston County, Texas.

S.B. 787 by Brooks Health and Human Services
Relating to regulation of dispensing opticians; providing a penalty.

S.B. 788 by Brooks Health and Human Services
Relating to the authority of a physician to supply drugs and other remedies free of charge to certain patients.

S.B. 789 by Montford Criminal Justice
Relating to the creation of the offense of interference with railroad property.

S.B. 790 by Montford Finance
Relating to allocations of motor fuel tax revenues.

S.B. 791 by Montford State Affairs
Relating to the reconveyance by the state of property acquired for highway purposes.

- S.B. 792** by Montford State Affairs
Relating to certain documents necessary for the transfer of title to a motor vehicle.
- S.B. 793** by Montford State Affairs
Relating to disabled parking privileges for persons from other states or countries.
- S.B. 794** by Montford State Affairs
Relating to the transfer of certain used or secondhand vehicles.
- S.B. 795** by Montford Economic Development
Relating to the practice of surveying and the election and qualifications of county surveyors.
- S.B. 796** by Johnson Economic Development
Relating to the regulation of perpetual care cemeteries; providing a penalty.
- S.B. 797** by Johnson Health and Human Services
Relating to the practice of professional nursing during an emergency.
- S.B. 798** by Johnson Education
Relating to financial aid and tuition for nursing students and providing for funding through a temporary increase in the reregistration fee for registered nurses.
- S.B. 799** by McFarland Natural Resources
Relating to the powers and duties of the Dallas County Utility and Reclamation District and the terms of office of the district directors.
- S.B. 800** by Barrientos Intergovernmental Relations
Relating to membership and credit in, contributions to, benefits from, and administration of fire fighters' retirement systems in certain municipalities.
- S.B. 801** by Ratliff, Lyon Economic Development
Relating to the creation of a lien for services performed by an architect, engineer, or surveyor.
- S.B. 802** by Zaffirini Jurisprudence
Relating to the suspension or denial of driving privileges for certain persons under 21 years of age who engage in conduct or commit an offense related to drugs or alcohol.
- S.B. 803** by Zaffirini, Brown, Dickson, Criminal Justice
Lyon, Sims, Tejeda
Relating to the punishment for certain offenses committed against a child during a ritual or ceremony.
- S.B. 804** by Zaffirini Intergovernmental Relations
Relating to eligibility for beginning positions in fire or police departments.
- S.B. 805** by Zaffirini Criminal Justice
Relating to a requirement that persons placed on probation and persons released on parole or mandatory supervision submit to testing for controlled substances.
- S.B. 806** by Lyon Intergovernmental Relations
Relating to the use of fire trucks.
- S.B. 807** by Lyon Criminal Justice
Relating to an offer of merchandise in a carnival contest sponsored by a nonprofit agricultural or civic group.
- S.B. 809** by Montford State Affairs
Relating to membership in, benefits from, and administration of the volunteer fire fighters' relief and retirement fund.

S.B. 810 by Brown Criminal Justice
Relating to the right of a victim of a criminal offense to be present during certain criminal proceedings concerning the offense.

S.B. 811 by Brown Finance
Relating to prohibiting municipalities from imposing an income tax.

S.B. 812 by Brown Criminal Justice
Relating to the taking of blood specimens of driving-while-intoxicated suspects upon the request or order of a peace officer.

S.B. 813 by Brown Criminal Justice
Relating to increasing the fine for certain Class C misdemeanors and to the jurisdiction of county, justice, and municipal courts.

S.B. 814 by Brown Criminal Justice
Relating to restitution for bad checks.

S.B. 815 by Leedom State Affairs
Relating to participation and payment of certain premiums by state employees in cafeteria plan insurance coverage.

S.B. 816 by Uribe Intergovernmental Relations
Relating to certification pay for emergency medical services personnel employed by fire or police departments in certain municipalities.

S.B. 817 by Uribe Natural Resources
Relating to the designation of urban property within certain water districts and the conversion of irrigation water rights to municipal water rights.

S.B. 818 by Uribe State Affairs
Relating to the creation of the Fifteenth Court of Appeals District.

S.B. 819 by Uribe State Affairs
Relating to joint elections held by political subdivisions.

S.B. 820 by Uribe State Affairs
Relating to the creation of and issuance of bonds by public facility corporations to purchase the obligations of certain sponsoring local governmental entities.

(Senator Ratliff in Chair)

S.B. 821 by Lyon Economic Development
Relating to deeds requiring structures on residential property to use wood shingle roofs.

S.B. 822 by Parmer, Truan, Zaffirini Natural Resources
Relating to the creation and administration of programs to distribute farmers market food coupons to certain individuals.

S.B. 823 by Parmer Jurisprudence
Relating to the liability of persons who allow their fields to be harvested for free distribution to needy individuals and of persons who do the harvesting.

S.B. 824 by Santiesteban Finance
Relating to the payment of ad valorem taxes on real property bequeathed to institutions of higher education.

S.B. 825 by Barrientos, Caperton State Affairs
Relating to the issuance of specially designed license plates.

- S.B. 826** by Green Jurisprudence
Relating to the appointment of a friend of the court to assist the court in the monitoring and enforcement of orders for child support and possession of and access to a child.
- S.B. 827** by Green Economic Development
Relating to the capital and surplus requirements for certain title insurers.
- S.B. 828** by Haley Education
Relating to the financing of public schools.
- S.B. 829** by Haley Economic Development
Relating to the regulation of credit life and credit accident and health insurance for certain loans and credit transactions.
- S.B. 830** by Haley Jurisprudence
Relating to the construction and maintenance of and liability for railroad crossings of private roads.
- S.B. 831** by Armbrister Education
Relating to drug-testing requirements for school bus drivers.
- S.B. 832** by Montford State Affairs
Relating to regulation of certain third party administrators; providing penalties.
- S.B. 833** by Johnson State Affairs
Relating to the dismissal of charges for failure to maintain financial responsibility on purchase of liability insurance.
- S.B. 834** by Johnson Education
Relating to establishment of a school meal supplement program for pregnant and lactating students.
- S.B. 835** by Parker Finance
Relating to fees and deposits of institutions of higher education.
- S.B. 836** by Truan Health and Human Services
Relating to the certification, registration and regulation of medical radiologic technologists and amending Chapter 1096, Acts of the 70th Legislature, Regular Session, 1987 (Article 4512m, Vernon's Texas Civil Statutes).
- S.B. 837** by Truan Health and Human Services
Relating to the membership of the Texas Board of Health.
- S.B. 838** by Edwards, Truan State Affairs
Relating to recordkeeping requirements applicable to state agency records about license holders.
- S.B. 839** by Dickson Jurisprudence
Relating to the inspection of certain juvenile files and records.
- S.B. 840** by Dickson Criminal Justice
Relating to the procedure by which a jury trial is waived in a criminal case.
- S.B. 841** by Washington Intergovernmental Relations
Relating to the creation, administration, powers, duties, operation, financing, and dissolution of the Houston Downtown Management District and the power of certain entities to contract with the district.
- S.B. 842** by Sims Economic Development
Relating to an application for registration of a mark used in connection with goods or services.

- S.B. 843** by Uribe Jurisprudence
Relating to the crime of barratry.
- S.B. 844** by Brooks Natural Resources
Relating to the authority of the board of a harbor and port facility to employ public security officers.
- S.B. 845** by Brooks Economic Development
Relating to cancellation and nonrenewal of insurance policies by insurers placed in supervision, conservatorship, or receivership.
- S.B. 846** by Dickson Jurisprudence
Relating to the qualifications of the Judge of the County Court at Law of Nolan County.
- S.B. 847** by Sims Natural Resources
Relating to grants from the Texas Water Development Board for the purchase of equipment for water quality testing.
- S.B. 848** by Sims Natural Resources
Relating to the water quality standards established by the Texas Water Commission.
- S.B. 849** by Sims Natural Resources
Relating to permits for the discharge of waste into or adjacent to water in the state.
- S.B. 850** by Barrientos Criminal Justice
Relating to the licensing of jailers, peace officers, reserve law enforcement officers, and state correctional officers by the Commission on Law Enforcement Officer Standards and Education.
- S.B. 851** by Carriker Economic Development
Relating to fostering microenterprises in rural areas through the establishment of a targeted loan program.
- S.B. 852** by Edwards State Affairs
Relating to the powers and duties of the Texas National Research Laboratory Commission.
- S.B. 853** by Truan Health and Human Services
Relating to certain amendments to licenses issued or renewed by the Texas Radiation Control Agency.
- S.B. 854** by Truan Health and Human Services
Relating to the renewal and amendment of certain licenses issued by the Texas Radiation Control Agency.
- S.B. 855** by Truan State Affairs
Relating to certain license renewal procedures under the Administrative Procedure and Texas Register Act.
- S.B. 856** by Truan, Armbrister Natural Resources
Relating to groundwater protection standards adopted and enforced by the Texas Radiation Control Agency.
- S.B. 857** by Truan Finance
Relating to certain fees charged by the Texas Radiation Control Agency.
- S.B. 858** by Truan Health and Human Services
Relating to closure plans required for the issuance or renewal of certain by-product materials licenses by the Texas Radiation Control Agency.

S.B. 859 by Truan Health and Human Services
Relating to the policy of this state and the role of the Texas Department of Health concerning the regulation of sources of radiation and the management of solid waste.

S.B. 860 by Truan Health and Human Services
Relating to certain reports made to the governor and legislature concerning radiation and the federal transport of high-level radioactive waste.

S.B. 861 by Truan Natural Resources
Relating to restoration of groundwater affected by in situ uranium mining.

S.B. 862 by Truan Health and Human Services
Relating to certain plans required for the issuance or renewal of a by-product materials license.

S.B. 863 by Truan, Armbrister Finance
Relating to the radiation and perpetual care fund.

S.B. 864 by Krier Education
Relating to early childhood education programs.

S.B. 865 by Krier Education
Relating to fees for driver's education in public schools.

S.B. 866 by Uribe Natural Resources
Relating to the regulation of the practice of landscape architecture.

CO-AUTHORS OF SENATE BILL 700

On motion of Senator Lyon and by unanimous consent, Senators Truan and Whitmire will be shown as Co-authors of **S.B. 700**.

CO-AUTHOR OF SENATE BILL 712

On motion of Senator Caperton and by unanimous consent, Senator Brown will be shown as Co-author of **S.B. 712**.

CO-AUTHOR OF SENATE BILL 825

On motion of Senator Barrientos and by unanimous consent, Senator Caperton will be shown as Co-author of **S.B. 825**.

CO-AUTHOR OF SENATE BILL 234

On motion of Senator Green and by unanimous consent, Senator Brown will be shown as Co-author of **S.B. 234**.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
March 6, 1989

TO THE SENATE OF THE SEVENTY-FIRST LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

TO BE PRESIDING JUDGE OF THE EIGHTH ADMINISTRATIVE JUDICIAL REGION FOR A TERM TO EXPIRE FOUR YEARS FROM THE DATE OF QUALIFICATION:

Roger Jeffrey Walker
3700 Shady Creek Drive South
Arlington, Texas 76013

Judge Walker will be replacing Judge Charles J. Murray of Fort Worth, who resigned.

Respectfully submitted,

/s/W. P. Clements, Jr.
William P. Clements, Jr.
Governor of Texas

SENATE BILL 539 ON SECOND READING

On motion of Senator Leedom and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 539, Relating to the reporting of the seizure and forfeiture of aircraft.

The bill was read second time and was passed to engrossment viva voce vote.

(President in Chair)

SENATE BILL 539 ON THIRD READING

Senator Leedom moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 539** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent: Lyon, Santiesteban.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent: Lyon.

SENATE BILL 647 ON SECOND READING

Senator Truan moved that the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 647** be taken up for consideration at this time:

S.B. 647, Relating to organizing Corpus Christi State University and to the funding of Texas A&I University and Del Mar College as affected by the transition of Corpus Christi State University to four-year status.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Sims.

The bill was read second time.

Senator Truan offered the following committee amendment to the bill:

Amend **S.B. 647** as follows:

Strike subsection (b) (2) of Sec. 104.95, SECTION 2, in its entirety, and substitute a new subsection (b) (2) to read as follows:

(2) 500 students for 1995 unless a total enrollment increase of 300 or more students occurs between the fall semester 1993 and the fall semester 1994 at Texas A&I University and Del Mar College.

The committee amendment was read and was adopted viva voce vote.

Senator Truan offered the following amendment to the bill:

Amend S.B. 647 by striking from SECTION 2, Sec. 104.95 (c) in its entirety.

The amendment was read and was adopted viva voce vote.

On motion of Senator Truan and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 647 ON THIRD READING

Senator Truan moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that S.B. 647 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Sims, Washington.

The bill was read third time and was passed viva voce vote.

RECORD OF VOTE

Senator Sims asked to be recorded as voting "Nay" on the final passage of the bill.

GUEST PRESENTED

Senator Lyon was recognized and presented Dr. Milton Davis of Kaufman.

The Senate welcomed Dr. Davis, a participant in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, and expressed appreciation for his contributions today.

MOTION TO PLACE COMMITTEE SUBSTITUTE SENATE BILL 173 ON SECOND READING

Senator Lyon asked unanimous consent to suspend the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution to take up for consideration at this time:

C.S.S.B. 173, Relating to the issuance of a search warrant based on the sworn oral statement of a peace officer to a magistrate.

There was objection.

Senator Lyon then moved to suspend the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution to take up C.S.S.B. 173 for consideration at this time.

The motion was lost by the following vote: Yeas 23, Nays 8. (Not receiving four-fifths vote of Members present)

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Green, Haley, Krier, Leedom, Lyon, McFarland, Montford, Parmer, Ratliff, Sims, Tejada, Truan, Whitmire, Zaffirini.

Nays: Glasgow, Harris, Henderson, Johnson, Parker, Santiesteban, Uribe, Washington.

**COMMITTEE SUBSTITUTE
SENATE BILL 439 ON SECOND READING**

On motion of Senator Armbrister and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 439, Relating to the distribution of restitution to a victim of an offense if the restitution is made as a condition of probation.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 439 ON THIRD READING**

Senator Armbrister moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 439** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

RECORD OF VOTE

Senator Glasgow asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 526 ON SECOND READING

On motion of Senator Sims and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 526, Relating to the election of the board of directors of the Crockett County Hospital District.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 526 ON THIRD READING

Senator Sims moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 526** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 175 ON SECOND READING

On motion of Senator Washington and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 175, Relating to administrative costs of the Texas Commission for the Deaf.

The bill was read second time and was passed to engrossment viva voce vote.

RECORD OF VOTE

Senator Bivins asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 455 ON SECOND READING

On motion of Senator Parmer and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 455, Relating to the purchasing practices of municipalities, counties, school districts, and certain other political subdivisions; providing criminal penalties.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 455 ON THIRD READING

Senator Parmer moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 455** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

SENATE BILL 446 ON SECOND READING

On motion of Senator Tejeda and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 446, Relating to the authority of the commissioners court of a county to regulate sight distance along county roads; providing a criminal penalty.

The bill was read second time.

Senator Tejeda offered the following committee amendment to the bill:

Amend **S.B. 446** as follows:

(1) On page 1, line 20 insert "not located within the incorporated limits of a municipality" between the word "road" and the period.

The committee amendment was read and was adopted viva voce vote.

On motion of Senator Tejeda and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 446 ON THIRD READING

Senator Tejeda moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that S.B. 446 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

SENATE BILL 438 ON SECOND READING

Senator Armbrister asked unanimous consent to suspend the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution to take up for consideration at this time:

S.B. 438, Relating to juvenile probation personnel employed by a political subdivision of the state.

There was objection.

Senator Armbrister then moved to suspend the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution to take up S.B. 438 for consideration at this time.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Caperton, Edwards, Glasgow, Washington.

The bill was read second time and was passed to engrossment viva voce vote.

RECORD OF VOTE

Senator Washington asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 438 ON THIRD READING

Senator Armbrister moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that S.B. 438 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Caperton, Washington.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

SENATE BILL 429 ON SECOND READING

The President laid before the Senate on its second reading and passage to engrossment: (The bill having been read second time and set as special order for 12:00 noon today, Monday, March 6, 1989)

S.B. 429, Relating to the creation of the offense of soliciting, accepting, or agreeing to accept a benefit or offering, conferring, or agreeing to confer a benefit as an inducement to enroll in an institution of higher education and to participate in intercollegiate athletics.

Question - Shall the bill be passed to engrossment?

Senator Brooks offered the following amendment to the bill:

Floor Amendment No. 1

Amend **S.B. 429** as follows:

Strike subsection (e) on page 1, lines 46 through 48 and insert the following:

(e) An offense under subsection (a) of this section is a Class A misdemeanor.

(f) An offense under subsection (b) of this section is:

(1) a felony of the third degree if the value of the benefit is \$750 or more.

(2) a Class A misdemeanor if the value of the benefit is less than \$750, unless it is shown on the trial of an offense under subsection (b) of this section that the defendant has been convicted previously under subsection (b) of this section, in which event the offense is a felony of the third degree.

(g) When the conduct in violation of subsection (b) of this section occurs pursuant to one scheme or continuous course of conduct, whether the person offers, confers or agrees to confer a benefit or benefits to a person, the conduct may be considered as one offense and the total value of the benefits aggregated in determining the grade of the offense.

The amendment was read and failed of adoption by the following vote: Yeas 12, Nays 18.

Yeas: Brooks, Carriker, Edwards, Green, Haley, Johnson, Leedom, Lyon, Montford, Ratliff, Uribe, Whitmire.

Nays: Armbrister, Barrientos, Bivins, Brown, Caperton, Dickson, Glasgow, Henderson, Krier, McFarland, Parker, Parmer, Santiesteban, Sims, Tejeda, Truan, Washington, Zaffirini.

Absent: Harris.

Senator Brooks offered the following amendment to the bill:

Floor Amendment No. 2

Amend **S.B. 429** by adding after subsection (e) on Page 1 of the printed bill a new subsection to read as follows:

“(f) To facilitate enforcement of this section, there shall be full disclosure of all bonuses, payments, gifts, salaries and financial arrangements associated with the recruitment of an athlete or coach at any institution of higher education in Texas.”

On motion of Senator Glasgow, Floor Amendment No. 2 was tabled by the following vote: Yeas 18, Nays 12.

Yeas: Armbrister, Barrientos, Bivins, Brown, Dickson, Edwards, Glasgow, Haley, Henderson, Johnson, Krier, Parmer, Santiesteban, Sims, Tejada, Truan, Washington, Zaffirini.

Nays: Brooks, Caperton, Carriker, Green, Leedom, Lyon, McFarland, Montford, Parker, Ratliff, Uribe, Whitmire.

Absent: Harris.

The bill was passed to engrossment by the following vote: Yeas 29, Nays 1.

Nays: Brooks.

Absent: Harris.

SENATE BILL 429 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that S.B. 429 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejada, Truan, Uribe, Whitmire, Zaffirini.

Nays: Brooks, Washington.

Absent: Harris.

The bill was read third time and was passed viva voce vote.

RECORD OF VOTE

Senator Brooks asked to be recorded as voting "Nay" on the final passage of the bill.

MEMORIAL RESOLUTIONS

S.R. 205 - By Glasgow: In memory of Adam Peter Talmadge, Jr., of Granbury.

S.R. 206 - By Glasgow: In memory of Michael Bilton of Granbury.

S.R. 207 - By Glasgow: In memory of James Amos Wilson of Fort Worth.

S.R. 208 - By Glasgow: In memory of Ethel Lewallen.

S.R. 210 - By Glasgow: In memory of Dr. Philip Montalbo, Jr., of Denton.

S.R. 211 - By Glasgow: In memory of Dr. Marceau C. Myers.

S.R. 212 - By Glasgow: In memory of J. C. "Mac" McClure.

S.R. 214 - By Glasgow: In memory of Sam Phifer of Comanche.

S.R. 215 - By Glasgow: In memory of Judge Walter E. Jordan of Fort Worth.

S.R. 216 - By Glasgow: In memory of A. W. "Doc" Boyd of Stephenville.

CONGRATULATORY RESOLUTIONS

S.R. 202 - By Lyon: Extending congratulations to the Rockwall Rotary Club on its 50th anniversary.

S.R. 203 - By Sims: Honoring Tom Moore High School for its exceptional effort on behalf of the health and well-being of its students.

S.R. 204 - By Edwards: Extending congratulations to the City of Waco on "Waco Day," March 6, 1989.

S.R. 209 - By Glasgow: Extending congratulations to Beulah Brown of Stephenville on being named Woman of the Year.

S.R. 213 - By Glasgow: Commending the dedication and commitment of Georgia Scott to the schoolchildren of Texas.

S.R. 217 - By Johnson: Commending Bill Nelson for his energetic and productive public service.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:47 p.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

Sent to Governor
(March 6, 1989)

S.C.R. 53
S.B. 223

TWENTY-THIRD DAY (Tuesday, March 7, 1989)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Absent-excused: Washington.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Father, this morning we offer our thanks for the opportunities this unlived day will bring. May each Member begin this work session with renewed will and dedication for its duties and its privileges. To those who lead, give the additional skill and stamina required for the leadership positions. May their work be acknowledged and appreciated. In Jesus' name. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Washington was granted leave of absence for today on account of important business on motion of Senator Brooks.